

REMARKS/ARGUMENTS

This communication is responsive to the final rejection mailed September 8, 2004 as well as to the Advisory Action mailed November 17, 2004.

Indefiniteness Rejection

Claim 1 has been amended to clarify a typographical error as recognized by the Examiner. The Examiner has indicated in the Advisory Action (mailed November 17, 2004) that this amendment would correct the indefiniteness noted in the final rejection. Therefore, Applicant respectfully requests that the indefiniteness rejection be withdrawn.

Allowable Subject Matter

The Examiner has indicated that claim 2 recites allowable subject matter, and that claim 2 would be allowable if rewritten in independent form and to overcome the definiteness issues (with respect to claim 1). Claim 2 has been thus rewritten, and it is thus respectfully submitted that claim 2 is allowable.

Art-Based Rejections

Claims 1, 8, 9 and 10 are rejected as being anticipated by JP '128 (JP publication 9-229128). Claim 1 is further amended to recite that the fixing member, to which an inner peripheral portion of the annular curved portion of the flexible partition is fixed, is press fitted onto the inner shaft member. This is disclosed, for example, in paragraph [0035] of the present application. As discussed below, it is respectfully submitted that claims 1, 8, 9 and 10 (as amended) are allowable over JP '128.

In particular, the further incorporated feature addresses the issue of securely fixing the inner peripheral portion of the flexible partition to the inner sleeve. We now refer to the specification for purposes of illustration only, and not for the purpose of importing limitations into the claim or otherwise limiting the claim. Referring to the specification, the "press-fit" increases the probability of a fluid-tight sealing of the fluid chamber, even if a fluid pressure large enough to cause an outward expansion of the annular curved portion 50 of the flexible

partition 46 is exerted on the curved flexible partition 46. Put another way, since the outer peripheral portion of the cylindrical portion of the flexible partition 46 is fixed to the inner shaft member, the fluid-tightness at a boundary of the peripheral portion of the flexible partition 46 and the inner sleeve is maximized.

JP '128 fails to disclose at least having an inner peripheral portion of the annular curved portion of the flexible partition being fixed to the inner shaft member, via an fixing member press-fitted onto the inner shaft member. More specifically, as shown in Figs. 1-4 of JP '128, the sealing lip 13 partitioning the first and second chambers 21, 22 from each other is just forcibly held in contact with the inner shaft member 5, but is not fixed to the inner shaft member 5 (see column 5, lines 9-11).

As a result of lacking this "press-fitted" feature, the device disclosed in JP '128 suffers from the problem of insufficient sealing of the rubber partition, and is not able to provide, for example, a so-called "piston effect," as is described in Applicant's specification (see paragraph [0011]), that generates sufficient amount of fluid flow between the pressure receiving chamber and the equilibrium chamber. Further, the use of the inner fixing member makes it possible to provide a great sealing of the flexible partition 46 with high stability and manufacturing efficiency, which is not achieved by the device disclosed in JP '128.

For at least the reasons just discussed, claim 1 is not anticipated by JP '128.

Furthermore, the Examiner has rejected claim 3 under 35 U.S.C. 103 (a) as being unpatentable over JP '128. Claims 4-7 are rejected under 35 U.S.C. 103 (a) as being unpatentable over JP '128 in view of Kanda. Claims 3-7 depend either directly or indirectly from independent claim 1 and are therefore also allowable over the cited art for at least the reasons discussed above relative to claim 1.

CONCLUSION

Applicants believe that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP

A handwritten signature in black ink, appearing to be 'A. Hodes', with a stylized arrow-like flourish at the end.

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